UNITED STATES DISTRICT COURT NORTHERN DISTRICT OF ALABAMA SOUTHERN DIVISION

IN RE: CHANTIX (VARENICLINE) PRODUCTS LIABILITY LITIGATION Master File No.: 2:09-CV-2039-IPJ

MDL No. 2092

This Order Relates To:

ALL CASES

PRETRIAL ORDER NO. 4D: FOURTH AMENDMENT TO PRETRIAL ORDER NO. 4: DISCOVERY PLAN

On February 24, 2010, the Court issued Pretrial Order No. 4: Discovery Plan (doc. 25). On March 10, 2011, the Court issued Pretrial Order No. 4C: Third Amendment to Pretrial Order No. 4: Discovery Plan (doc. 207), Section V of which sets forth certain deadlines relating to expert discovery.

At the request of the parties, the Court hereby amends and supplements Section V of Pretrial Order No. 4C (doc. 207) as outlined herein. This order shall not be construed to amend Pretrial Order No. 4, or the amendments thereto (A-C) in any respect other than as specified in this order.

V. REVISED SCHEDULE FOR EXPERT DISCOVERY.

K. Revised Schedule for Disclosures and Depositions of Experts.

The following schedule is limited to experts in cases involving suicide, attempted suicide and neuropsychiatric events. The Court will enter a separate

Order pertaining to experts for any other category of injury at a later date or upon motion by the parties.

1. General Causation and Liability Experts. Plaintiffs shall disclose general causation and liability experts (as that term is used in Section V. H of PTO 4) in accordance with FRCP 26(a)(2) on or before **December 7, 2011.**Defendant shall disclose general causation and liability experts in accordance with FRCP 26(a)(2) on or before **January 5, 2012.** Plaintiffs shall designate rebuttal experts on or before **January 30, 2012.**

Depositions of Plaintiffs' general causation and liability experts may commence on **February 16, 2012.** Depositions of Defendant's general causation and liability experts may commence after the completion of the depositions of Plaintiffs' general causation and liability experts. All depositions of general causation and liability experts for initial Bellwether Cases shall be completed by **April 18, 2012.**

2. <u>Specific Causation and Liability Experts</u>. The scheduling and procedures regarding specific causation and liability experts for Bellwether Cases are governed by the provisions set forth in Pretrial Order No. 9.

L. Revised Schedule for Motion Practice Involving Experts.

The following schedule is limited to experts in cases involving suicide, attempted suicide and neuropsychiatric events. The Court will enter a separate

Order pertaining to expert motion practice for cases with any other category of injury at a later date or upon motion by the parties.

1. <u>General Causation and Liability</u>. Any *Daubert* or other motion directed to causation issues of general applicability must be filed by **May 18, 2012**.

2012. Oppositions to such motions must be filed by **June 5, 2012**, and any reply

briefs must be filed by June 19, 2012.

2. <u>Specific Causation and Liability</u>. The scheduling and

procedures regarding any *Daubert* or other motion directed to causation issues of

specific applicability, or any other dispositive motions applicable to the initial

Bellwether Cases are governed by the provisions set forth in Pretrial Order No. 9.

DONE and **ORDERED** this 15th day of September, 2011.

INGE PRYTZ JOHNSON

U.S. DISTRICT JUDGE